

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

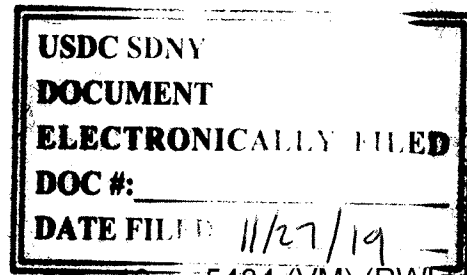
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STATE OF NEW YORK, et al.,

Plaintiffs,

- against -

DEUTSCHE TELEKOM, AG, et al.,

Defendants.
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19-cv-5434 (VM) (RWE)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order addresses Plaintiffs' challenge to certain documents withheld by Deutsche Telekom ("DT") on the basis of attorney-client privilege and/or work product protection. Having reviewed the documents submitted for *in camera* review, the Court orders as follows:

1. DT shall produce the document at Tab 2 (DT-LIT-00326737 through 41) without redactions except the words between the two dashes on page 39 at 3rd hash sign, 5th and 6th lines, may remain redacted.

2. DT need not produce any of the other documents or redactions submitted *in camera*. Although further information conceivably could reveal that some or all of the withheld documents and redactions are not subject to privilege/protection (most of the documents do not expressly reflect seeking or providing legal advice or preparation in anticipation of litigation), the additional information provided by DT regarding each document is sufficient to meet its burden for asserting privilege/protection. Collateral discovery on the subject is not warranted given the posture of the case and imminent trial date.

3. Portions of some of the documents are in a foreign language for which no translation appears to have been provided. The Court is satisfied, however, that based on the surrounding material in the documents, the Court's determination would be the same as set forth in paragraph 2 above.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 27, 2019
New York, New York

Copies transmitted to counsel of record via ECF